

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 23-md-03084-CRB (LJC)

MASTER ORDER NO. 3

This Order Relates To:

ALL ACTIONS

Master Order No. 2, issued February 18, 2025, established privilege review protocols for custodians with depositions scheduled prior to April 10, 2025. This Order establishes the privilege review protocol for the remaining custodial deponents and the documents created after November 2023.

I. Review Protocol C: Custodians with Depositions After April 10, 2025

For the depositions that are scheduled after April 10, 2025, Uber has committed to producing revised privilege logs for those custodians by March 10, 2025. Dkts. 2344 at 5, 2357 at 6.

The following review protocol allows for the completion of privilege reviews before scheduled depositions, while also including additional time in the schedule. As with Protocols A and B, if any of the following deadlines falls on a Saturday or Sunday, then the deadline shall be the following business day. The deadline for all items below is 4pm PT.

- (1) After the revised privilege logs are produced on March 10, the parties shall promptly meet and confer, and determine the final list of challenges, in order to meet the “final challenge” deadline for each custodian.
- (2) Twenty-eight days before the scheduled deposition, plaintiffs shall provide to Uber and the Master the list of any privilege challenges remaining following the parties’ meet and confer process.
- (3) One day after plaintiffs provide the list of challenges remaining, Uber shall provide to the Master for *in camera* review all documents for which there remains an outstanding privilege challenge.
- (4) The parties may, but are not required to, submit briefs or affidavits in support of their position on the remaining challenges. The submissions must be provided to the Master within three days after the outstanding list of plaintiffs’ challenges are provided to the Master.
- (5) No later than ten days after receiving the documents for which challenges remain outstanding, the Master will issue rulings on the challenges.
- (6) Within two days after the Master issues her rulings, the parties shall submit any objections to the Master’s privilege determinations. If necessary, the Master will confer directly with each party to resolve any objections. During this same time period, Uber shall produce all documents that are (1) determined by the Master not to be privileged and (2) not subject to an objection.
- (7) The parties shall make any appeals to the District Court pursuant to the procedures set out in Dkt. 2302. If, on the day of the scheduled deposition, an appeal is pending before

the District Court, the deposition shall be held as scheduled, subject to plaintiffs' right to seek to reopen any deposition following a final ruling by the Court.

The Protocol C deadlines apply to those custodians that are the subject of Uber's Motion for Protective Order while that motion is pending. Dkt. 2425. Following a ruling by Magistrate Judge Cisneros on Uber's motion, the parties shall submit a status report to the Master regarding which, if any, custodians become subject to a protective order, and shall include the parties' respective positions on the review of those custodians' privileged documents.

Finally, as Protocol C is contingent upon the scheduled dates of custodian depositions, the parties shall inform the Master promptly of any alterations to the deposition schedule that depart from the joint schedule sent to the Master on March 5, 2025.

II. Review Protocol D: Review of Post-November 2023 Documents

Master Order No. 2 established a procedure for plaintiffs to raise a privilege challenge to documents created after November 2023, that they believe "may be relevant to upcoming depositions." Dkt. 2357 at 6. That procedure remains in place. As for challenges to the remaining documents created after November 2023, the review will be governed by the following deadlines:

- (1) By April 3, 2025, plaintiffs shall provide to Uber a list of all remaining challenges to post-2023 documents.
- (2) By April 10, 2025, after meeting and conferring, plaintiffs shall provide to the Master and to Uber their final list of challenges to all post-2023 documents.
- (3) By April 14, 2025, Uber shall provide to the Master for *in camera* review all post-2023 documents for which there remains an outstanding privilege challenge.

Dated: New York, New York
March 11, 2025

A handwritten signature in black ink, reading "Barbara S. Jones". The signature is written in a cursive style with a large initial "B".

HON. BARBARA S. JONES (Ret.)